

## **R E M A R K S**

- Claims **1-14 and 33** are currently pending;
- Claims **1-14 and 33** stand rejected;
- Claims **1-14 and 33** are in condition for allowance.

### 1. Claim Rejections – Section 102(b)

Claims **1, 2, 5-8 10, 13 and 33** stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,655,961 to Acres et al. (“Acres” herein).

Specifically, the Examiner asserted that “Acres et al. teaches a method comprising: determining a first time; determining a second time; and providing, based on the first time matching the second time, entry into a bonus game of a gaming device [column 25, line 38 – column 26, line 24] wherein at least one attribute of the bonus game is different than the at least one attribute otherwise would be if entry to the bonus game was not provided based on the first time matching the second time [column 25, line 38 – column 26, line 24]. A bonus game is interpreted as a game in which enhanced bonus payouts are outputted. The mystery jackpot and bonus time jackpot have different attributes.” (Office Action, page 2).

In response to Applicants’ previous arguments against this same rejection, the Office has stated that “Acres discloses at least two bonus games – a Mystery Jackpot Game & a Bonus Time Jackpot Game. Each game has a different has a different method of entry. The payout from the Mystery Jackpot Game is different from the Bonus Time Jackpot Game.

Thus at least one attribute of the bonus games is different based on the method of entry.” Current Office Action, page 8.

Applicants respectfully traverse this rejection for the reasons set forth below.

First, Applicants note that a clarifying amendment has been made to claim 1, to clarify what was previously inherent in the claim: that the bonus game being referred to in the wherein clause is a common bonus game: “wherein at least one attribute of the bonus game is different than the at least one attribute otherwise would be if entry to the same bonus game was not provided based on the first time matching the second time.”

In Acres, the Bonus Time promotion is a very different type of bonus feature than the Mystery Jackpot. In Bonus Time, a machine pays out more than that dictated by its default payout schedule while it is in Bonus Time mode. In the Mystery Jackpot type of bonus feature, a machine pays out a mystery jackpot upon a qualifying triggering event occurring. These are not the same type of bonus game or same bonus game but with a different attribute. There are very different types of bonus promotions. For example, in the Mystery Jackpot type of bonus promotion, the mystery bonus is paid out upon the qualifying criteria being met. In Bonus Time mode, the machine may be authorized to pay out higher payouts but a player playing the machine while it is in Bonus Time mode may never get a payout at all if he does not also get a winning outcome during the relevant time frame. Thus, a Bonus Time cannot even fairly be characterized as a bonus game, as it is merely a time frame within which the playing of a regular game may pay out bonuses. Irrespective of the semantics of whether Bonus Time is or is not a bonus game, it is definitely not the same bonus game as Mystery

Jackpot, with the method of entry causing a different attribute to be used for the game, as is claimed.

Applicants respectfully request reconsideration of the patentability of claim 1 (and thus each claim dependent therefrom, which includes claims 2, 5 – 8, 10, 13 and 33, subject to the rejection currently being argued) for the above reasons and in particular because Acres does not teach or suggest “causing, via the processor, a gaming device to enter a bonus game based on the first time matching the second time, wherein at least one attribute of the bonus game is different than the at least one attribute otherwise would be if entry to the same bonus game was not provided based on the first time matching the second time,” as is claimed.

2. Claim Rejections – Section 103(a)

Claims 3, 4, 8, 9, 11, 12 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Acres.

Applicants note that, as all of claims 3, 4, 8, 9, 11, 12 and 14 depend upon claim 1 and incorporate all of the elements and limitations of claim 1, claims 3, 4, 8, 9, 11, 12 and 14 are likewise in condition in allowance.

## C O N C L U S I O N

For the foregoing reasons it is respectfully submitted that all of claims **1-14 and 33** are now in condition for allowance and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remains any question regarding the present application or any of the cited references, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Magdalena M. Fincham at telephone number (203) 438-6933 or via electronic mail at [mfincham@finchamdowns.com](mailto:mfincham@finchamdowns.com).

Applicants believe a 3 month extension of time is due at this time. Accordingly, Applicants petition for a 3 month extension of time within which to respond to the outstanding Office Action. Please charge the appropriate fee for a 3 month extension of time, or any other fees that may be required for the present Application, to Deposit Account No. 50-0271. Please credit any overpayment to the same Deposit Account No. 50-0271.

Respectfully submitted,

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Date

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